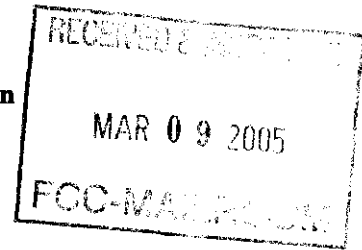


Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of)

)
Association of Communications Enterprises)
Petition for Preemption Pursuant to Section 253 of)
the Communications Act of 1934 of Actions of the)
City of Montgomery, Alabama)

CC Docket No. 01-40

ORDER

Adopted: March 8, 2005

Released: March 8, 2005

By the Chief, Competition Policy Division:

1. On January 18, 2001, the Association of Communications Enterprises (ASCENT) (now CompTel/ALTS) filed a petition for preemption and declaratory ruling¹ seeking preemption of "enforcement of the City of Montgomery's flat telecommunications license and privilege tax"² pursuant to section 253(d) of the Communications Act, as amended.³ On March 7, 2005, CompTel/ALTS filed a request seeking to withdraw the ASCENT Petition, explaining that it had determined that pursuing relief under this petition is no longer a priority of the Association.⁴ In this Order, we grant CompTel/ALTS' request to withdraw, and we dismiss the petition.

2. ACCORDINGLY, IT IS ORDERED, pursuant to the authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, that CompTel/ALTS' request to withdraw the above-captioned petition IS GRANTED.

3. IT IS FURTHER ORDERED, pursuant to the authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, that the above-captioned petition for preemption and declaratory ruling IS DISMISSED WITHOUT PREJUDICE, and the proceeding initiated by that petition, CC Docket No. 01-40, IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Thomas J. Navin
Chief, Competition Policy Division

¹ Association of Communications Enterprises Petition for Preemption Pursuant to Section 253 of the Communications Act of 1934 of Actions of the City of Montgomery, Alabama, CC Docket No. 01-40 (filed Jan. 18, 2001) (ASCENT Petition); see *Pleading Cycle Established for Comments on Petition of ASCENT for Preemption of Montgomery, Alabama Taxation Policy*, CC Docket No. 01-40, Public Notice, 16 FCC Rcd 3653 (2001).

² ASCENT Petition at 4-5.

³ 47 U.S.C. § 253(d).

⁴ Letter from Jonathan Lee, Senior Vice President – Regulatory Affairs, CompTel/ALTS, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 01-40 at 1 (filed Mar. 7, 2005).